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June 5, 2014

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

FOIA REQUEST
Expedited processing requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of documents about certain candidates (listed below) considered in 2012 for the EPA Science Advisory Board Hydraulic Fracturing Advisory Panel.

1. I am requesting copies of all public comments received by the EPA between Nov. 27, 2012 and Dec. 31, 2012, that pertain to, and/or mention Michael E. Honeycutt of the Texas Commission on Environmental Quality (mentioned on page 33 of <http://tinyurl.com/kwapwsv>). Other possible names for Michael E. Honeycutt include, but are not limited to, "Dr. Honeycutt," "M.E. Honeycutt," "Michael Honeycutt" and "M. Honeycutt."

In this FOIA request, the term "public comments" refers to all forms of communication received by the EPA including but not limited to emails, letters, memos, faxes, records of voice messages/phone calls, and documents or notes taken during in-person meetings.

2. I am requesting copies of all public comments received by the EPA between Nov. 27, 2012 and Dec. 31, 2012, which pertain to, and/or mention, Robert Howarth of Cornell University (mentioned on page 34 of <http://tinyurl.com/kwapwsv>). Other possible names for Robert Howarth include, but are not limited to, "Dr. Howarth," "Robert Warren Howarth," "R.W. Howarth," "Robert W. Howarth," "R. Howarth" and "Howarth."

3. I am requesting copies of all public comments received by the EPA between Nov. 27, 2012 and Dec. 31, 2012, which pertain to, and/or mention, Anthony Ingraffea of Cornell University (mentioned on page 35 of <http://tinyurl.com/kwapwsv>). but are not limited to, "Dr. Ingraffea," "Tony Ingraffea" and "A. Ingraffea."

4. I am requesting copies of all communications between and among employees of the EPA, members of the EPA Science Advisory Board (SAB) Staff Office, then-current members of SAB panels and committees, and the U.S. Department of Energy between Aug. 21, 2012 and March 25, 2013, that pertain to and/or mention Michael E. Honeycutt, Robert Howarth and/or Anthony Ingraffea. The term "communications" includes, but is not limited to, inter-office and/or intra-office emails, letters, memos, faxes, records of voice messages/phone calls, and documents or notes taken during in-person meetings.

Please provide the information **in electronic form as PDFs**. When possible, I would like the original pdf files instead of a scanned image file. If the files cannot be emailed due to file size,

please mail me the information on CD(s). If you have any questions about file size or making the documents available in electronic format, please contact me to discuss the options.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on the ongoing national debate over climate change, energy and natural gas. This information is being sought on behalf of InsideClimate News for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. In the following six paragraphs I will underscore my reasons in response to your guidelines on fee-waiver requests. I understand that is a separate process than my FOIA request. So I ask that you initiate both processes simultaneously. In other words, **please start processing the FOIA request itself as you are doing the fee-waiver request.** Now, let me specifically address the six factors used by the FOIA for fee-waiver determination by the Environmental Protection Agency and other federal agencies:

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government: The requested records helped the EPA determine the final makeup of the EPA's Science Advisory Board Hydraulic Fracturing Advisory Panel. The EPA's own invitation for public comments, issued Nov. 27, 2012, states, "Please be advised that comments received are subject to release under the Freedom of Information Act." (<http://tinyurl.com/kwapwsv>)

2. The disclosure should be "likely to contribute" to an understanding of government operations or activities: The documents had a direct impact on the EPA's decision of who was selected as a member of the Advisory Panel. It will help illuminate the reasons behind the EPA's decision.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the requester or a narrow segment of interested persons: This is a request filed under the Freedom of Information Act by InsideClimate News, a Pulitzer-winning news organization with a national audience, and a content partner of Bloomberg News and McClatchy. There is intense national interest in hydraulic fracturing and the ongoing work of EPA's Science Advisory Board Hydraulic Fracturing Advisory Panel has a direct impact on how hydraulic fracturing is regulated.

4. The disclosure must contribute "significantly" to the public understanding of government operations: The scientists mentioned in this request have spent years researching issues related to hydraulic fracturing and/or public health. The requested documents are crucial for understanding how the EPA narrowed the 144 candidates down to the final 31 members of the Advisory Panel.

5. The disclosure will not serve any commercial interest of me as an individual: I work for a nonprofit news organization. In fact, the entire process will likely cost my company money because it involves my time.

6. The public interest in disclosure far outweighs commercial interest: There is substantial national interest in hydraulic fracturing and the risk it may pose to drinking water supplies. Congress urged the EPA to study the issue in 2009, and the EPA complied by forming the Science Advisory Board Hydraulic Fracturing Advisory Panel. The members on the panel, and the manner in which they were chosen, has a direct impact on the studies that will be, and have been, reviewed and/or conducted by the panel. This request will add transparency to the process by illuminating how the EPA selected the members of the panel.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to **release all segregable portions of otherwise exempt material**. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a daily journalist and this information is of timely value, I would appreciate your communicating with me by phone (617-500-8266) or email (lisa.song@insideclimatenews.org) if you have questions. Please provide **expedited processing** of this request, which concerns a matter of urgency.

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief. I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

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